

9406/6075

Send tax notice to:

Cahaba River Properties

2306 Limestone Road  
Birmingham, AL 35216

This instrument prepared by:

Charles A. J. Beavers, Jr.

Bradley, Arant, Rose & White

1400 Park Place Tower

2001 Park Place

Birmingham, Alabama 35203

Inst # 1997-07245

03/07/1997-07245  
03:48 PM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
14.50  
003 WCO

STATE OF ALABAMA )

JEFFERSON COUNTY )

**GENERAL WARRANTY DEED**

KNOW ALL MEN BY THESE PRESENTS:

That in consideration of the mutual exchange of like-kind real properties, the receipt and sufficiency of which are hereby acknowledged, Kadco, Inc., an Alabama corporation ("Grantor") does hereby grant, bargain, sell, and convey unto Cahaba River Properties, an Alabama general partnership ("Grantee"), subject to the matters hereinafter set forth, the following described real estate situated in Jefferson County, Alabama, to-wit:

Commence at the northeast corner of the southeast quarter of the southeast quarter of Section 18, Township 19 South, Range 2 West; thence run south 0 degrees 07 minutes 54 seconds east a distance of 270.01 feet to the point of beginning; thence run south 0 degrees 07 minutes 48 seconds west a distance of 145.60 feet; thence run south 73 degrees 18 minutes 24 seconds west a distance of 70.26 feet; thence run north 41 degrees 04 minutes 34 seconds west a distance of 129.15 feet to a point on a curve to the left having a central angle of 17 degrees 31 minutes 05 seconds and a radius of 200.00 feet; thence run along the arc of said curve a distance of 61.15 feet to the end of said curve; thence north 31 degrees 24 minutes 16 seconds east a distance of 243.14 feet to the point of beginning of a curve to the right having a central angle of 37 degrees 35 minutes 23 seconds and a radius of 150.00 feet; thence run along the arc of said curve 98.41 feet to the end of said curve; thence run north 68 degrees 59 minutes 26 seconds east a distance of 89.43 feet; thence run south 21 degrees 00 minutes 32 seconds east a distance of 199.27 feet; thence run south 68 degrees 54 minutes 53 seconds west a distance of 260.10 feet to the point of beginning.

ALSO KNOWN AS Lots 4, 5, 6, 7, 8, 9 and 10, according to the Survey of Bent River Estates, Phase I, as recorded in Map Book 176, page 15, in the Office of the Judge of Probate of Jefferson County, Alabama. Said survey also recorded in Map Book 17, Page 135 in the Office of the Judge of Probate of Shelby County, Alabama.

BARW\_1/124014.1

This deed is being rerecorded to file in Shelby County.

*Chew*

TO HAVE AND TO HOLD unto Grantee, its successors and assigns forever;  
subject, however, to the following:

1. Current ad valorem taxes
2. Transmission line permit(s) to Alabama Power Company as shown by instrument(s) recorded in Volume 6312, page 589, in said Probate Office
3. Title to all minerals within and underlying the premises, together with all mining rights and other rights, privileges and immunities relating thereto, including rights set out in Volume 199, page 473, Volume 3636, page 127, and Volume 804, page 261, in said Probate Office
4. Rights of riparian owners in and to the use of Cahaba River
5. All existing, future or potential common law or statutory rights of access between the right of way of I-65 and subject property as conveyed and relinquished to the State of Alabama
6. 20 foot sanitary sewer easement as shown by Real 4295, page 747, and Real 4295, page 752, and as shown on survey by Richardson Engineering dated January 31, 1989
7. Rights of others in and to the use of Bent River Road
8. Approximate 100 year flood line as shown by survey of The Allen Company dated January 7, 1993
9. Reservation of easements as set out in Real 1364, page 825, in Jefferson County, and Misc. Book 1, page 534, in Shelby County
10. Right of way granted to South Central Bell by instrument recorded in Real 2336, page 682, in said Probate Office and by survey of The Allen Company dated January 7, 1993
11. Building setback lines and public utility easements as shown by the recorded plat
12. Restrictions, covenants and conditions as set out in Declaration of Protective Covenants and Agreements of Bent River Estates recorded in Real Volume 9404, page 9954, in the Office of the Judge of Probate of Jefferson County, Alabama, and as Instrument #1994-11503 in the Office of the Judge of Probate of Shelby County, Alabama
13. Agreement among Grantor, Grantee, and Kessler & Associates, Inc. dated April 27, 1994, and recorded simultaneously herewith

Grantor does for itself, its successors and assigns, covenant with Grantee, its successors and assigns, that it is lawfully seized in fee simple of said premises; that they are free from all encumbrances except as set forth hereinabove; that it has a good right to sell and convey the same as aforesaid; and that it will, and its successors and assigns shall, warrant and defend the same to Grantee, its successors and assigns forever against the lawful claims of all persons.

IN WITNESS WHEREOF, Grantor has caused these presents to be executed for and in its corporate name by its duly authorized officer on or as of the 21<sup>st</sup> day of April 1994.

KADCO, INC.

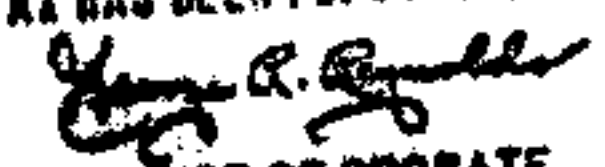
By:



Charles G. Kessler, Jr.  
Its President

STATE OF ALA. JEFFERSON CO.  
I CERTIFY THIS INSTRUMENT  
WAS FILED ON

1994 MAY 17 PM 3:58

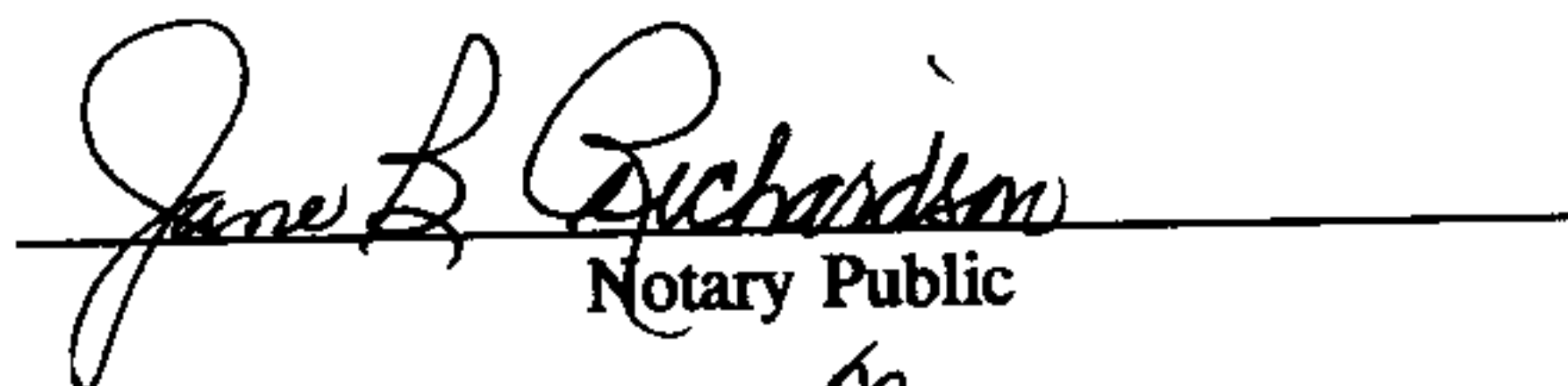
RECORDED & S. H. L. T. A. S.  
DEED TAX HAS BEEN PD. ON THIS INSTRUMENT  
  
JUDGE OF PROBATE

STATE OF ALABAMA

JEFFERSON COUNTY

I, the undersigned, a notary public in and for said county in said state, hereby certify that Charles G. Kessler, Jr., whose name as President of Kadco, Inc., an Alabama corporation, is signed to the foregoing instrument and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, he, as such officer and with full authority, executed the same voluntarily for and as the act of said corporation.

Given under my hand and official seal this the 21<sup>st</sup> day of April, 1994.

  
Notary Public

[NOTARIAL SEAL]

My commission expires: March 13, 1996

Inst # 1997-07245

100.00  
95.00  
105.00